

## United States District Court

NORTHERN

FILED  
DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

2007 JUL 26 P 2:22

E-FILED

V.

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CAL. S.D.

CRIMINAL COMPLAINT

Marco Antonio CORTEZ-Ramirez

07 70443

RS

CASE NUMBER:

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, May 22, 2007, in Monterey County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326  
I further state that I am a(n) Deportation Officer and that this complaint is based on the following

Official Title

facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ NoRECEIVED  
UNITED STATES MARSHAL  
7 JUL 26 P 6:38  
NORTHERN DISTRICT  
OF CALIFORNIA

Signature of Complainant

Sworn to before me and subscribed in my presence,

7/26/07

Date

at

San Jose, California

City and State

Richard Seeborg  
UNITED STATES MAGISTRATE JUDGE  
Name & Title of Judicial Officer

Signature of Judicial Officer

A# 70 050 805

**RE:** Marco Antonio CORTEZ-Ramirez

I, Timothy F. Purdy, am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) The DEFENDANT Marco Antonio CORTEZ-Ramirez, is a 39 year-old male, citizen and native of Mexico, born on June 18, 1968, in Pepic, Nayarit, Mexico, substantiated by multiple sworn statements that the DEFENDANT has made on separate occasions to INS and ICE employees;
- (2) The DEFENDANT has been assigned Alien Registration number of A 70 050 805, FBI number of 397651MA4, and California Criminal State ID Number of A9215860;
- (3) On August 31, 1990, the DEFENDANT was convicted in the Superior Court of California – County of Los Angeles, of the offense of UNLAWFUL DRIVING/TAKING OF A VEHICLE, a felony, in violation of California Vehicle Code Section 10851(A), and was sentenced to two years in state prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(G);
- (4) On October 23, 1991, the DEFENDANT was determined to be unlawfully present in the United States by order of the Immigration Judge, EOIR, San Diego, CA and ordered removed from the United States to Mexico;
- (5) On September 1993, the DEFENDANT was convicted in the Superior Court of California – County of Los Angeles, of the offense of RECEIVING STOLEN PROPERTY, a felony, in violation of California Penal Code Section 496(A), and was sentenced to two years in state prison;
- (6) On September 28, 1994, the DEFENDANT was determined to be unlawfully present in the United States by order of the Immigration Judge, EOIR, Florence, AZ and ordered removed from the United States to Mexico;
- (7) On July 2, 1996, the DEFENDANT was convicted in the Superior Court of California – County of Los Angeles, of the offense of BURGLARY IN THE 2<sup>ND</sup> DEGREE, a felony, in violation of California Penal Code Section 459, and was sentenced to two years in state prison;

A# 70 050 805

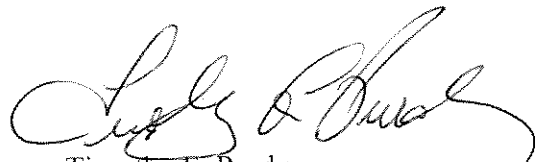
**RE:** Marco Antonio CORTEZ-Ramirez

- (8) On July 16, 1997, the DEFENDANT was determined to be unlawfully present in the United States by order of the Immigration Judge, EOIR, San Diego, CA and ordered removed from the United States to Mexico;
- (9) On December 2, 1997, the DEFENDANT was convicted in the Superior Court of California – County of Los Angeles, of the offense of BURGLARY IN THE 2<sup>ND</sup> DEGREE, a felony, in violation of California Penal Code Section 459, and was sentenced to two years in state prison;
- (10) On December 28, 1998, the DEFENDANT was determined to be unlawfully present in the United States by order of the Immigration Judge, EOIR, San Diego, CA and ordered removed from the United States to Mexico;
- (11) On April 17, 2002, the DEFENDANT was convicted in the Superior Court of California – County of Los Angeles, of the offense of MANUFACTURING FALSE GOVERNMENT ID CARDS, a felony, in violation of California Penal Code Section 483.5(A) and was sentenced to four years in state prison;
- (12) On June 28, 2004, the DEFENDANT was determined to be unlawfully present in the United States by order of the Immigration Judge, EOIR, San Diego, CA and ordered removed from the United States to Mexico;
- (13) On July 28, 2005, the DEFENDANT was determined to be unlawfully present in the United States by order of the Immigration Judge, EOIR, San Diego, CA and ordered removed from the United States to Mexico;
- (14) May 4, 2006, the DEFENDANT was convicted in the Superior Court of California – County of Los Angeles, of the offense of POSSESSION OF A CONTROLLED SUBSTANCE/ Methamphetamine, a felony, in violation of California Health and Safety Code Section 11377(A) and sentenced to four years in state prison;
- (15) On, May 22, 2007, the DEFENDANT was encountered by IEA John Ramirez, at the Soledad State Prison {Monterey County}, and determined to be unlawfully present in the United States after a prior deportation. IEA Ramirez, advised the DEFENDANT his Miranda rights in the Spanish language. After being read his Miranda rights, the DEFENDANT, declined to provide a written sworn statement to IEA Ramirez during his interview;

RE: Marco Antonio CORTEZ-Ramirez

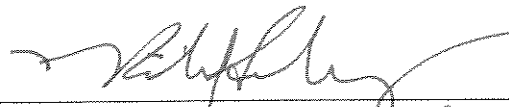
A# 70 050 805

- (16) The DEFENDANTS official A-File does not contain any record or indication that he either requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;
- (17) Based on the above stated information, this Officer believes there is sufficient probable cause that the DEFENDANT is present within the United States in violation of Title 8, United States Code, Section 1326.



Timothy F. Purdy  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn to before me this 26<sup>th</sup> day of July, 2007



~~Patricia V. Trumbull~~ RICHARD SEEBURG  
UNITED STATES MAGISTRATE JUDGE